

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION**

BEBA LLC and
DEFI EDUCATION FUND,

Plaintiffs,

v.

SECURITIES AND EXCHANGE COMMISSION;
and GARY GENSLER, Commissioner of the
Securities and Exchange Commission, in
his official capacity,

Defendants.

Case No. 6:24-cv-00153-ADA-DTG

**UNOPPOSED MOTION FOR LEAVE TO FILE
ANDREESSEN HOROWITZ, MULTICOIN CAPITAL, PARADIGM, UNION
SQUARE VENTURES AND VARIANT'S *AMICUS CURIAE* BRIEF
IN SUPPORT OF PLAINTIFFS' OPPOSITION TO DEFENDANTS' MOTION
TO DISMISS**

Pursuant to Local Rule CV-7, potential *Amici* Andreessen Horowitz, Multicoin Capital, Paradigm, Union Square Ventures and Variant respectfully request leave to file the attached brief in support of the opposition filed by Plaintiffs Beba LLC and the DeFi Education Fund (“Plaintiffs”) to the Defendants’ motion to dismiss. The proposed brief is attached as Exhibit A. All parties have consented to the filing of this brief.

Leave to file an *amicus* brief is appropriate where “issues in the case have potential consequences beyond the particular parties to the suit,” and where “the amici offer useful, broader perspectives on these issues.” *Cent. Texas Chapter, Nat'l Elec. Contractors Ass'n, Inc. v. Int'l Bhd. of Elec. Workers Loc. Union No. 520*, No. A-11-CA-

339-SS, 2011 WL 13234892, at *2 (W.D. Tex. Nov. 15, 2011). *Amici* here are venture capital and investment firms that focus on investing in technological innovation across various sectors such as biotechnology, healthcare and fintech. *Amici* seek to build investment portfolios that include innovative companies utilizing blockchain technology. *Amici*'s longstanding participation in the blockchain-based digital asset ecosystem underpins their strong interest in the law relating to digital assets—and, in particular, in clear rules and regulations governing the businesses in which they invest.

Amici have an interest in obtaining clarity concerning the jurisdiction of the Defendants to regulate “airdrops” of digital assets—which are a common means of distributing digital assets that serve to both develop decentralized blockchain networks and promote and market businesses. The looming threat of enforcement by the Defendants has adverse implications for the businesses in which *Amici* invest and impedes technological innovation of decentralized digital asset platforms in the United States. This brief presents compelling arguments that Beba faces a credible threat of enforcement by the Defendants, and thus that this case is ripe for adjudication and that such review would bring needed clarity for the digital asset industry.

Amici respectfully request leave to participate in this matter pursuant to the Court’s inherent authority. *Amici* simultaneously submit their proposed brief, which is attached as Exhibit A to this motion.

Dated: October 28, 2024

Respectfully submitted,

/s/ Gilbert A. Greene
Gilbert A. Greene
BGreene@duanemorris.com
DUANE MORRIS LLP
Terrace 7

2801 Via Fortuna, Suite 200
Austin, TX 78746-7567
Telephone: (512) 277-2246
Facsimile: (512) 597-0703

Benjamin Gruenstein (*pro hac vice pending*)
bgruenstein@cravath.com

Callum Sproule (*pro hac vice pending*)
csproule@cravath.com

Yunhao Liu (*pro hac vice pending*)
lliu@cravath.com

CRAVATH, SWAINE & MOORE LLP
Two Manhattan West
375 Ninth Ave
New York, NY 10001
Telephone: (212) 474.1000

COUNSEL FOR AMICI CURIAE

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.1(D)(1), the undersigned hereby declares that he has conferred with counsel for both Plaintiff and Defendants. This motion is unopposed, and Plaintiffs have consented to the filing of this *amicus curiae* brief.

/s/ Gilbert A. Greene
Gilbert A. Greene

CERTIFICATE OF SERVICE

I hereby certify that on October 28, 2024, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

/s/ Gilbert A. Greene
Gilbert A. Greene